

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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THOMAS UNDERWOOD,	)	
	)	
Plaintiff,	)	Case No. 1:10-cv-651
	)	
v.	)	Honorable Paul L. Maloney
	)	
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
	)	
Defendant.	)	
<hr style="width:40%; display:inline-block; vertical-align:bottom;"/>	)	

**ORDER DENYING APPLICATION  
TO PROCEED IN FORMA PAUPERIS**

This is a social security action brought under 42 U.S.C. § 405(g). Plaintiff has requested leave of court to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. His affidavit of financial status discloses that plaintiff owns a home valued at \$147,000 with approximately \$42,000 equity. Plaintiff receives monthly insurance checks of \$3,086 and has \$130,000 in a retirement account.

The court should only grant leave to proceed *in forma pauperis* when it reasonably appears that the cost of filing would impose an undue financial hardship. *See Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988); *Palazzolo v. Univ. of Mich. Hosp.*, No. 10-10650, 2010 WL 1780958, at \* 1 (E.D. Mich. Apr. 30, 2010). In light of plaintiff's income and assets, he cannot be deemed indigent. Plaintiff has not sustained his burden of proving that the filing fee of \$350.00 would be

beyond his means. In such circumstances, a plaintiff does not qualify for pauper status and the application under 28 U.S.C. § 1915(a) should be denied.

Accordingly, plaintiff's application for leave to proceed *in forma pauperis* is DENIED. Plaintiff shall submit the filing fee within 30 days of the date of this order. If plaintiff does not comply with this order, his complaint will be dismissed without prejudice.

Dated: July 21, 2010

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge